



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/27/2006 (Per: BAB)





Appendix A

 The 2005 drafting file for LRB 05-2966

has been transferred to the drafting file for

2007 LRB 07-0107

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

Bill

Received: **05/05/2005**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske (608) 267-9649**

By/Representing: **Brandon**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - courts/judges/commsrs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Part-time court commission authority

Instructions:

Have same power in criminal cases as full-time commissioners 757.69 (1) (b)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	rnelson2 05/05/2005 mlief	1/5 5/5 05	4/5 PV	4/5 SAB			

FE Sent For:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2966/1

MJL:/.....

g's

2005 BILL

To editing 5/5
Due 5/12

Gen cat.

AN ACT/...; relating to: powers and duties of part-time court commissioners.

Analysis by the Legislative Reference Bureau

Current law confers upon a part-time or full-time court commissioner many of the same powers and duties of a judge in a criminal case, such as the power to issue a summons or conduct an initial appearance, but only a full-time court commissioner may conduct the preliminary examination and arraignment and, with the consent of both the state and the defendant, accept a guilty plea. This bill allows a part-time court commissioner to conduct the preliminary examination and arraignment and accept a guilty plea.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 757.69 (1) (b) of the statutes is amended to read:

757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search warrants, determine probable cause to support a warrantless arrest, conduct initial appearances of persons arrested, set bail, inform the defendant in accordance with s. 970.02 (1), and refer the person to the authority for indigency determinations

BILL**SECTION 1**

specified under s. 977.07 (1). ~~A circuit court commissioner employed on a full-time basis may~~, conduct the preliminary examination and arraignment, and, with the consent of both the state and the defendant, accept a guilty plea. If a court refers a disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4. ✓

History: 1977 c. 323, 449; 1979 c. 32; 1979 c. 89; 1979 c. 209 s. 4; 1979 c. 352, 356; 1983 a. 279; 1985 a. 126, 202, 234, 332; 1987 a. 3, 27, 71, 378, 398; 1989 a. 7, 12, 31, 246; Sup. Ct. Order, 158 Wis. 2d xxv (1990); 1991 a. 39, 269; 1993 a. 318, 451, 481; 1995 a. 77; 1997 a. 191, 192, 292; 1999 a. 32; 2001 a. 16; 2001 a. 61 ss. 93 to 109, 173, 175, 177, 180; 2001 a. 105.

(END)

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No specific pre topic given

Topic:

Part-time court commission authority

Instructions:

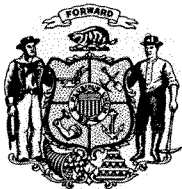
Have same power in criminal cases as full-time commissioners 757.69 (1) (b)

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 05/05/2005						S&L
/1	mlief 05/05/2005	csicilia 05/05/2005	pgreensl 05/05/2005		sbasford 05/05/2005		

FE Sent For:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2966/1

MJL:cjs:pg

2005 BILL

1 **AN ACT** *to amend* 757.69 (1) (b) of the statutes; **relating to:** powers and duties
2 of part-time court commissioners.

Analysis by the Legislative Reference Bureau

Current law confers upon a part-time or full-time court commissioner many of the same powers and duties of a judge in a criminal case, such as the power to issue a summons or conduct an initial appearance, but only a full-time court commissioner may conduct the preliminary examination and arraignment and, with the consent of both the state and the defendant, accept a guilty plea. This bill allows a part-time court commissioner to conduct the preliminary examination and arraignment and accept a guilty plea.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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5 warrants, determine probable cause to support a warrantless arrest, conduct initial
6 appearances of persons arrested, set bail, inform the defendant in accordance with

BILL

1 s. 970.02 (1), and refer the person to the authority for indigency determinations
2 specified under s. 977.07 (1). ~~A circuit court commissioner employed on a full-time~~
3 ~~basis may~~, conduct the preliminary examination and arraignment, and, with the
4 consent of both the state and the defendant, accept a guilty plea. If a court refers a
5 disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner
6 shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

7 (END)